



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSE PAGUAY, on behalf of himself and  
the class,

Plaintiffs,

23-CV-8434 (JPO) (KHP)

-against-

ORDER

ESH RESTAURANT GROUP LLC, et al  
Defendants.

-----X  
KATHARINE H. PARKER, United States Magistrate Judge:

On December 18, 2023, Defendants filed a Motion to Compel Arbitration And Dismiss The Class And Collective Action Complaint ("Motion to Compel"). (ECF No. 14.) On December 18, 2023, Plaintiffs filed an Amended Complaint. (ECF No. 18.) On January 4, 2024, Defendants filed a letter stating that, in light of the Amended Complaint, their intent is to withdraw the currently filed Motion to Compel and file a new, revised motion. (ECF No. 21.) **Accordingly, the Clerk of the Court is respectfully directed to terminate the Motion to Compel at ECF No. 14 as withdrawn.**

The deadline for Defendants to file a revised Motion to Compel is **January 19, 2024**. The deadline for Plaintiff to oppose Defendants' Motion to Compel is **February 2, 2024**. The deadline for Defendants to reply to Plaintiff's opposition is **February 16, 2024**.

**SO ORDERED.**

DATED: New York, New York  
January 10, 2024

*Katharine H Parker*

KATHARINE H. PARKER  
United States Magistrate Judge